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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,953	09/28/2001	Kenneth J. Lancos	5243P001	3331
8791	7590	06/15/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			LABAZE, EDWYN	
		ART UNIT		PAPER NUMBER
				2876

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/965,953	LANCOS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date, _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 4/8/2004.
2. Claims 1-37 are presented for examination.
3. This application claims the benefits of application No. 60/236,576 filed on 09/29/2000.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 and 14-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelbman (US 2002/0167500).

Re claims 1, 26, 29, and 32: Gelbman discloses smart electronic label employing electronic ink, which includes means of reading [through the actuators 18 {as shown in fig. # 2, 3 & 7} and main computer within the infrastructure of the theme park] an identification tag 16 worn [as a wristband 160] by a guest to obtain a tag identifier (as shown in fig. # 12 of Gelbman; paragraph 0103); accessing a guest data object stored in a server [database] using the guest identifier (paragraphs 0104-0105); and modifying monetary credits information [through the actuator 18, the keyboard 98 and near computer as shown in fig. # 14] by a sales amount of the item or service, the monetary credits information stored in the server within a monetary credits data fields of the guest data object (paragraphs 107-109, 112, 124-132), wherein the tag identifier

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is used to access a guest data object created from the data structure (paragraph 0105+); means of providing a sales amount for purchasing the item or service within the coverage area (as shown in fig. # 12-13 of Gelbman).

Re claims 2 and 34: Gelbman teaches an apparatus, system and method, wherein the identification tag 16 comprises radio frequency identification RFID tag (as shown in figs. # 4 A-B; paragraph 55).

Re claims 3 and 11: Celbman discloses an apparatus, system and method, wherein reading the identification tag comprises using an RFID reader/actuator to read the tag identifier from the RFID tag 16 (paragraph 0046, 0089).

Re claim 4: Gelbman teaches an apparatus, system and method, wherein accessing the guest data object comprises a processor 24 of the server retrieving the guest/patron data object stored in a non-volatile memory 28 of the server (paragraph 0047).

Re claim 5: Gelbman discloses an apparatus, system and method, wherein modifying the sales amount comprises a processor 24 of the server modifying the monetary credits information stored in the monetary credits data field of the guest data object stored in the server (paragraph 0046).

Re claims 6 and 17: Gelbman teaches an apparatus, system and method, further comprising transmitting the tag identification and sales amount from the pos terminal [cash register] to the server by way of a communications link (herein disclosed as the radio wave 20 and shown in figs. # 2-3 & 7; paragraphs 0045-0046, 0051).

Re claim 7: Gelbman discloses an apparatus, system and method, further comprising means of transmitting information related to the item or service description from the pos terminal

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to the server by way of communication link (herein disclosed as the radio wave 20 and shown in figs. # 2-3 & 7; paragraphs 0045-0046, 0051); and updating [herein disclosed as altering or changing the price of an item through software] a purchase data field of the guest data object stored in the server with the item or service description (paragraphs 0098; 0103-0109; 0130).

Re claims 8, 20-22, and 25: Gelbman teaches an apparatus, system and method, further comprising means of transmitting a digital guest photo from the server to the POS terminal; and transmitting a guest identification confirmation message from the POS terminal to the server if the digital guest photo contains an image of the guest (paragraphs 0042-0043).

Re claims 9 and 16: Gelbman discloses an apparatus, system and method, transmitting a transaction confirmation from the server to the POS terminal; and printing sale confirmation information related to the selling of the item or service on a sheet of paper at the POS terminal (paragraph 0117).

Re claims 10 and 35: Gelbman teaches an apparatus, system and method, which includes a reader [herein disclosed as the actuator 18] to read a tag identifier stored in an identification tag worn by a guest at a coverage area (paragraph 0046); an input device [herein disclosed as a transceiver for receiving the input signals and a display/monitor for displaying the received signals] to receive information related to an item or service to be purchased by said guest (paragraphs 0013-0018); a network interface to communicate with a central server (paragraph 0053); and a processor 34 [which could be a stand-alone computer 70 ad shown in fig. # 7] coupled to the network interface, the input device, and the reader 18, the processor to cause a transmission [through transmitter 38] of the tag identifier and the information to the central server by way of the network interface, and to receive [through receiver 36] a completion of

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transaction message from the central server by way of the network interface (paragraphs 0051-0053), and further includes a reader/writer [through electronic ink writer 180, which can be integrated in a bar code reader and an RFID interrogator ] to read and modify information related to monetary credits for making monetary transaction within a coverage area, wherein said information is stored on a radio frequency identification (RFID) tag worn by said guest (paragraph 0089).

Re claim 12: Gelbman discloses an apparatus, system and method, wherein the input device comprises a keyboard 98 (as seen in fig. # 14; paragraph 0109).

Re claim 14: Gelbman teaches an apparatus, system and method, wherein the input device comprises a bar code scanner (paragraph 0094).

Re claim 15: Gelbman discloses an apparatus, system and method, further comprises a display [through the monitor of a computer 70] for displaying information related to the purchase of the item or service (paragraph 0107-0109).

Re claim 18: Gelbman teaches an apparatus, system and method, wherein the information related to the item or service comprises a description of the item or service (paragraph 0042).

Re claim 19: Gelbman discloses an apparatus, system and method, wherein said information related to said item or service comprises an identification code of said item or service (paragraph 46+).

Re claim 23: Gelbman teaches an apparatus, system and method, comprising a central server 540, which includes a non-volatile memory 28 to store a guest data object including a first data field containing information related to monetary credits (paragraphs 0046-0047); a network interface to communicate with one or more point-of-sale (POS) systems; and a processor 34

[which could be a stand-alone computer 70 as shown in fig. # 7] coupled to the non-volatile memory and the network interface (paragraph 0053), the processor to receive [through receiver 36] information related to a guest of the coverage area and information related to an item or service being purchased (paragraph 0051), and to modify the monetary credits information stored in the non-volatile memory based on a sales price of the item or service (paragraphs 107-109, 112, 124-132).

Re claim 24: Gelbman discloses an apparatus, system and method, wherein the guest data object further includes a second data field to contain information related one or more items or services purchased by the guest, and wherein the processor causes a storing of the information related to the item or service being purchased into the second data field (paragraph 0131).

Re claims 27 and 30: Gelbman teaches an apparatus, system and method, further comprising a third data field containing information related to one or more items or services purchased by a guest within a coverage area (paragraph 0131).

Re claims 28, 31, and 33: Gelbman discloses an apparatus, system and method, further comprising a third data field containing information related an identifier [a unique identification number] the guest (paragraph 0105).

Re claim 36: Gelbman teaches an apparatus, system and method, wherein the reader/writer comprises a radio frequency identification (RFID) reader/writer (paragraph 0089).

Re claim 37: Gelbman discloses an apparatus, system and method, wherein the server is a central server including a processor 70, a non-volatile memory coupled to the processor, and a network interface 72/74 coupled between said processor and the POS terminal (paragraph 0092-0094).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbman (US 2002/0167500) in view of Ogasawara (U.S. 6, 327,576).

The teachings of Gelbman have been discussed above.

Gelbman fails to teach a touch screen input device at point-of-sale.

Ogasawara discloses system and method for managing expiration-dated products utilizing an electronic receipt, which includes a touch panel screen 60 (as shown in figs. # 5 & 7 of Ogasawara; col.9, lines 45+).

In view of Ogasawara's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Gelbman a touch-screen panel as an input device. Furthermore, the touch-screen panel is well known in the art (specially used in the market POS' terminals in lieu of the regular keyboard) would be beneficial to the user by reducing considerably the time consuming when inputting information onto the system/network, eliminating the know-how-to use a keyboard for faster service, decreasing the error factor during data entry, and considerably minimizing the stress/pain of the fingers. Moreover, such modification would have been an obvious extension as taught by Gelbman, therefore an obvious expedient.

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***Response to Arguments***

8. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldberg (U.S. 6,526,158) discloses method and system for obtaining person-specific images in a public venue.

Endo et al. (U.S. 6,724,690) teaches wrist watch containing tag.

Hamilton et al. (U.S. 6,732,934) discloses escorted shopper system.

Swartz et al. (U.S. 2003/0020629) teaches wearable communication system.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
June 8, 2004



THIEN M. LE  
PRIMARY EXAMINER